

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

RANDAL CRAIG KRUEGER,

Plaintiff,

v

THE MEMORIAL HOSPITAL,

Defendant.

CASE NO.

HON.

Removed from Wayne County District Court
Case No. 20T2746-GC

Randal Craig Krueger
Plaintiff In Pro Per
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Plymouth, MI 48170
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Rachael M. Roseman (P78917)
SMITH HAUGHEY RICE AND ROEGGE
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NOTICE OF REMOVAL

Defendant, The Memorial Hospital, through its attorneys, SMITH HAUGHEY RICE & ROEGGE, files this Notice of Removal of this action from the 35th Judicial District Court of Michigan, County of Wayne, City of Plymouth, Case No. 20T2746-GC, where it is currently pending, to the United States District Court for the Eastern District of Michigan, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, 1446. As grounds for the removal of this action, Defendant states as follows:

1. This action was commenced in the 35th Judicial District of Michigan, County of Wayne, City of Plymouth, on November 17, 2020, bearing Case Number 20T2746-GC. It was served via mail on November 25, 2020. A copy of the Summons and Complaint served upon Defendant is attached as **Exhibit A**.

2. Removal of this case is timely as this notice is filed within thirty (30) days after service of the Summons and Complaint on Defendant.

3. This is a civil action under which this Court has original jurisdiction under 28 USC § 1331 and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367. Plaintiff's Complaint alleges claims under the Telephone Consumer Protection Act, 47 USC §§ 227 *et seq.* Plaintiff further alleges claims under the Michigan Telephone Companies Common Carriers Act and the Michigan Home Solicitation Sales Act. The Court has federal question jurisdiction over claims brought pursuant to the Federal Telephone Consumer Protection Act. *Charvat v EchoStar Satellite, LLC*, 630 F3d 459 (6th Cir. 2010).

4. Defendant is entitled to remove this action pursuant to 28 U.S.C. § 1446(a) because this District Court has original jurisdiction over the matter as stated above.

4. A true and correct copy of this Notice of Removal has been filed with the 35th District Court, Michigan and served upon all parties of record pursuant to 28 U.S.C. § 1446(d). **Exhibit B.**

WHEREFORE, Defendant hereby removes this action from the State of Michigan, County of Wayne, to the United States District Court for the Eastern District of Michigan and requests that this Court enter an Order removing this action to this Court for further resolution.

Dated: December 21, 2020

By: /s/ Rachael M. Roseman
Brian J. Kilbane (P37134)
Rachael M. Roseman (P78917)
SMITH HAUGHEY RICE & ROEGGE
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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2020, the foregoing document was filed with the Clerk of the Court using the ECF System.

/s/ Rachael M. Roseman
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